

## Indian Country Terminology

---

When working in Indian Country, conservation planners must consider land ownership, control, and tenure. It is imperative to the success of implementing conservation practices that conservation planners know the land user's decision-making authority and constraints. The following is a list of commonly used terms related to resource control and management in Indian Country that conservation planners must understand:

**Allocation** – means the apportionment of grazing privileges without competition to tribal members or tribal entities, including the tribal designation of permittees and number and kind of livestock to be grazed. **1]**

**Fee Land** - also called fee patent, fee simple or deeded land. This land is taxable. Owners manage this land independently. The Bureau of Indian Affairs does not have a trust responsibility or authority to manage these lands. Individual tribal members may own fee land. Tribes may also own fee land; this is typically called tribal fee land.

**Government Land** – means any tract, or interest therein, in which the surface estate is owned by the United States and administered by the BIA, not including tribal land which has been reserved for administrative purposes.

**Indian Country** – means **(a)** all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; **(b)** all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and **(c)** all Indian allotments, the Indian titles which have not been extinguished, including rights-of-way running through the same. **2]**

**Indian Tribe** - means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. **3]**

**Indian Trust Land**– Means real property which:

- (1) The United States holds title as trustee for a Indian or tribal beneficiary, or
- (2) An Indian or tribal beneficiary holds title and the United States maintains a trust relationship. **3]**

**Tribal Land** – land that is owned by all members of the tribe. In most cases, the Tribal Council or equivalent makes management decisions.

Tribal land means the surface estate of land or any interest therein held by the United States in trust for a tribe, band, community, group or pueblo of Indians, and land that is held by a tribe, band, community, group or pueblo of Indians, subject to federal restrictions against alienation or encumbrance, and includes such land reserved for BIA administrative purposes when it is not immediately needed for such purposes. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. Sec. 476). **1]**

**Allotted Land** – land owned by an individual or individuals. The land owner(s) makes land management decisions on their own land. Allotted lands may be placed in a range unit or leased through the BIA. In this case the BIA makes land management decisions.

May also be called heirship/fractionated land. Fractionated tract means a tract of Indian land owned in common by Indian landowners and/or fee owners holding undivided interests therein.<sup>1]</sup> **Individually**-owned Indian land means any tract, or interest therein, in which the surface estate is owned by an individual Indian in trust or restricted status.  
<sup>1]</sup>

***Indian Trust Land can be located either within or outside reservation boundaries.***

**Integrated Resource Management Plan** – a tribe's strategic plan for the comprehensive management of a reservation's resources. It is a tribal policy document, based on the visions that the tribe and tribal landowners have for their reservation. <sup>4]</sup>

**Lease** – a written agreement between Indian landowners and a tenant or lessee, whereby the tenant or lessee is granted a right to possession of Indian land, for a specified purpose and duration. Unless otherwise provided, the use of this term will also include permits, as appropriate. <sup>3]</sup> Generally called a farm/pasture lease. Agricultural leases are typically 3-5 years. A lease may also be written for home sites and business sites.

**Permit** – means a written agreement between Indian landowners and the applicant for the permit, also referred to as a permittee, whereby the permittee is granted a revocable privilege to use Indian land or Government land, for a specified purpose. <sup>1]</sup> All range unit contracts are permits. Range unit permits are typically 5 years.

**Range Unit** – range unit means rangelands consolidated to form a unit of land for the management and administration of grazing under a permit. A range unit may consist of a combination of tribal, individually owned Indian, and/or government land. <sup>1]</sup>

**Taking Area** – land owned by the Corps of Engineers that was taken to a part of Lake Oahe and Lake Sakakawea. The COE allows the tribe to use the land between the water level of the reservoir and the exterior boundary of the taking area without cost for grazing. Most taking area is in range units.

<sup>1]</sup> 25 CFR, Chapter I, Part 166, Section 166.4.

<sup>2]</sup> 18 U.S.C, Subsection 1151.

<sup>3]</sup> 7 CFR, Chapter XIV, Part 1466, Subpart A, Section 1466.3.

<sup>4]</sup> "A Tribal Executives Guide to Integrated Resource Management Planning," Bureau of Indian Affairs, July 1998.